

REMARKS

Claim rejections — 35 USC § 112

Claims 19 and 20 were rejected as being indefinite. In response, Applicant has amended Claims 19 and 20.

Claim rejections — 35 USC § 102

The Examiner has rejected Claims 1-3, 6 and 9 as being anticipated by Palovcik. Applicant respectfully traverses the Examiner's rejection, but believes it to be moot in view of the current amendments to the Claims.

The Palovcik reference does not teach, suggest or allude to the invention set forth in the Claims. First, Palovcik does not disclose that a bead is formed during, after, or during a break of the re-shaping process that results in the formation of said second section with said second diameter. The piece 52, which was cited by the examiner as teaching a bead, is a tubular collar 52. The Examiner is directed to Palovcik col. 4, line 49 and Fig. 6, which clearly describe piece 52 as a "non-integral collar." Such a collar cannot be considered a bead and it is not suggestive of a bead. A bead is a recessed structure in the wall of the tubular work piece, like a groove. For its purpose and function the Examiner is referred to at least page 2, paragraph 2 of the English translation of the application text. As described, by weakening the structure of the tubular drive shaft by means of the bead, the transition section of the tubular drive shaft in case of a crash — begins to corrugate and later tears off. The provision of a bead results in the weakening of the structure and hence of the stiffness of the tubular drive shaft. Because the collar 52 disclosed by Palovcik is a stiffening element — it actually teaches away from

the claimed invention which teaches a bead for weakening the material.

To clearly distinguish the invention, Applicant has amended Claim 1 to recite that:

- i) said transition section further comprising an annular bead *formed therein*
- ii) wherein said bead determines at which position said transition section corrugates in the event of a crash

It is respectfully submitted that Palovcik does not teach or suggest a shaft having a bead formed therein and which determines a position that the tube corrugates.

As explained, collar 52 provides a stop for a bearing, which teaches away from the current invention. Building a drive shaft in accordance with the teaching of Palovcik, namely to reinforce the transition section with a collar 52 (and not to weaken it by means of a recessed structure like the claimed bead) would result in a very ridged and stiff drive shaft which would not be capable of buckling or collapsing or corrugating in case of an accident, but would act like a spear, thereby jeopardizing the drivers life or health seriously.

Claim rejections — 35 USC § 103

Claims 8, 15 and 16 were rejected as being obvious in view of combinations of Takehara, Clark and Troughton. Applicant respectfully traverses the Examiner's rejection. However, because the rejected Claims depend from Claim 1 – they are similarly limited and therefore believed to be allowable.

In view of the above, Applicant believes that the application is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Rotberg', with a stylized flourish at the end.

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